

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CR-19-D

UNITED STATES OF AMERICA

v.

ROBERT TYRONE CAMPBELL,

Defendant.

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ORDER

On November 16, 2015, Robert Tyrone Campbell (“Campbell”) moved to receive jail credit for his April 2012 state sentence. See [D.E. 86]; cf. Presentence Investigation Report (“PSR”) [D.E. 50] ¶¶ 18–19. On December 2, 2015, Jose A. Santana of the Federal Bureau of Prisons (“BOP”) wrote the court and asked whether the court wanted Campbell’s November 2012 federal sentence to run concurrently with or consecutively to Campbell’s April 2013 state sentence for second degree kidnapping, impersonating law enforcement, and attempted common law robbery. See [D.E. 87]; cf. Setser v. United States, 132 S. Ct. 1463, 1467–73 (2012).

When this court imposed Campbell’s federal sentence on November 13, 2012, the court gave credit to Campbell for his April 2012 state sentence under U.S.S.G. § 5G1.3(b)(1). See Sentencing Tr. [D.E. 78] 19–20; United States v. Campbell, 587 F. App’x 31, 32 (4th Cir. 2014) (per curiam) (unpublished). Thus, the court DENIES Campbell’s motion for jail credit concerning his 2012 state sentence [D.E. 86]. As for Campbell’s April 2013 state sentence for second degree kidnapping, impersonating law enforcement, and attempted common law robbery, the court RECOMMENDS that Campbell’s federal sentence run consecutively to Campbell’s April 2013 state sentence. The court reaches this conclusion in light of the separate nature of the April 2013 conviction, Campbell’s

violent criminal history, and the need for incapacitation. See Setser, 132 S. Ct. at 1467–73. The clerk shall mail a copy of this order to Jose A. Santana and to Robert Tyrone Campbell.

SO ORDERED. This 8 day of December 2015.


JAMES C. DEVER III
Chief United States District Judge